

**REMARKS**

Claims 1-17 are pending and are rejected.

Claims 1, 6, 11, and 13 are amended.

**Claim Rejection – 35 USC 103(a)**

Responsive to the rejection of claims 1-17 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,850,218 ("LaJoie") in view of PCT Application WO 95/28799 ("Lett"), applicants amended claims 1, 6, 11, and 13 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention, and respectfully submit that amended claims and other claims are patentable for the reasons discussed below.

As pointed out in the reply dated March 31, 2004, the present application provides a user with (on screen) specific options, such as "BUY" 930 to purchase a program and "BUY AND RECORD" 940 to purchase and record a program, as best seen in FIG. 9. Thus, the "BUY AND RECORD" 940 user option clearly indicates to a user that selecting the user option means that the user intends to purchase and record a selected program. As discussed below, LaJoie and Lett, considered singly and in combination, do not disclose or suggest this feature.

Applicants, therefore, amend independent claim 1 to recite an apparatus including an on screen user option indicating that a user can both purchase and record a selected program, so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program. The "BUY AND RECORD" option shown in FIG. 9 is an example of the recited user option.

By contrast, FIG. 9 of Lett discloses three user options: "PURCHASE," "RECORD," and "WATCH," but none indicates that a user can both purchase and buy a selected program. Thus, amended claim 1, and dependent claims 2-5, are patentable over LaJoie and Lett

The Office Action relies on Lett to cure the defect of LaJoie as applied to claim 1 because LaJoie does not disclose an on screen user option to both purchase and record a selected program. As pointed out in the Office Action, Lett discloses that if an event is a pay-per-view event, a purchase sequence must occur before the program can actually be recorded. See page 30, lines 12-13. Lett then suggests that, if a user selects the record option before he has selected the purchase option, the system may offer the user the purchase sequence to purchase the selected program. See page 30, lines 15-18.

However, Lett fails to disclose or suggest a user option indicating that a user can both purchase and record a selected program, as recited in amended claim 1. In fact, there is no motivation to indicate that the record user option can be used to both purchase and record a selected program, because the selected program may be free and need not be purchased, or the selected program may have already been purchased.

Thus, LaJoie and Lett, considered singly and in combination, do not disclose or suggest an apparatus for receiving a plurality of programs, including an on screen user option indicating that a user can both purchase and record the selected program, so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program, as recited in

amended claim 1. As such, applicants submit that amended claim 1, and dependent claims 2-5, are patentable over the two references.

Claim 6 is similarly amended. As such, amended claim 6, and dependent claims 7-10, are patentable over the two references for similar reasons discussed above with respect to claim 1.

Claim 11 is also similarly amended. As such, amended claim 11 is patentable over the two references.

Furthermore, the Office Action admits that LaJoie does not disclose that when a program is cancelled, the program is removed from both the purchase list and the record list, as recited in amended claim 11, but takes Official Notice indicating that this feature is obvious to a person skilled in the art. Applicants respectfully disagree. Not removing a purchased program, which has been cancelled, from the recording list actually simplifies the design because it incurs no harm to the TV, the VCR, and the user, as pointed out in the reply dated March 31, 2004 to the previous Office Action. Applicants request that the Examiner cite a reference in support of the position stated in the Office Action or withdraw this rejection. See MPEP Section 2144.04.

Claims 12, 16, and 17 also recites a similar canceling feature as recited in amended claim 11 and applicants submit that claims 12, 16, and 17 are patentable over the two references, for similar reasons discussed above with respect to amended claim 11.

Claim 13 is amended to recite the step of receiving a selection of a displayed user option indicating that a user can both purchase and record the selected second program, similar to the changes made to amended claim 1. Thus, applicants submit

that amended claim 13, and dependent claims 14 and 15, are patentable over the two references for similar reasons discussed above with respect to amended claim 1.

In fact, amended claim 13 clearly points out that the selection signal is a signal indicating the option of both purchasing and recording. By contrast, the selection of the record option shown in FIG. 9 of Lett is a signal indicating for recording only, even though the system may figure out that the user needs to purchase the program first. Thus, amended claim 13, and dependent claims 14 and 15, are patentable over the two references for this reason alone.

### CONCLUSION

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Applicant requests that he contact their undersigned attorney in order to resolve any outstanding issues without the necessity of issuing another Office Action.

### FEE

No additional fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.



Respectfully submitted,

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July 29, 2004

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I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop Amendment], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

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